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Attorney for Defendant Yusuf Samori

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAI'I

UNITED STATES OF AMERICA,)	CR 02-00475 SOM
)	
Plaintiff,)	Declaration of Counsel in Support of
)	Non-Hearing Motion to Continue
Vs)	Sentence; Exhibit A.
)	
YUSUF SAMORI,)	
)	
Defendant.)	

DECLARATION OF COUNSEL

1. I am an attorney duly admitted to practice law before the United States District Court Hawai'i (District Court). I make this declaration based on personal knowledge and review of the record in this matter.
2. Defendant Yusuf Samori (Mr. Samori) is currently incarcerated at the Federal Medical Center located in Butner, North Carolina. According to the Bureau of Prisons (BOP) website, the BOP will release him from incarceration on June 27, 2007.
3. On July 21, 2006, the District Court revoked Mr. Samori's supervised release for violations of conditions of supervised release. Finding Mr. Samori incapable of completing any further term of supervised release, the Court imposed a prison term of 12 months straight, with no credit available for good conduct, and no further supervised release.
4. While incarcerated at FDC, Honolulu, in early November 2006, doctors diagnosed Mr. Samori as suffering from cancer of the right vocal cord. (See, Exhibit A, attached hereto).

5. On or about December 6, 2006, the BOP transported Mr. Samori to the Federal Medical Center located in Butner, North Carolina, for medical treatment. (Exhibit A).
6. Physicians at FMC Butner have begun radiation treatment for Mr. Samori's condition, which treatments are expected to be completed around February 14, 2007. (Exhibit A).
7. As set forth in the memorandum from FMC Butner physician's assistant Tiffany William, dated January 23, 2007, "[t]he oncology and medical team at FMC, Butner will not medically clear Mr. Samori for transfer until his treatment has been completed."
8. A resentencing hearing for Mr. Samori is currently scheduled for February 15, 2007, at 2:15 p.m., in the United States District Court Hawai'i.
9. According to the medical information provided by FMC Butner, on February 14, 2007, Mr. Samori will have completed his last cycle of

radiation treatment. The oncology and medical team will not clear him for transfer until the treatments are completed.

10. Therefore, Mr. Samori's sentencing hearing for February 15, 2007, must be continued until such time as Mr. Samori has completed his medical treatment at FMC Butner, North Carolina, and the BOP transfers him back to Hawai'i. Upon information and belief, a continuation of at least 30 days should be sufficient.

11. I therefore request that this Court grant this motion.

I declare under penalty of law that the foregoing statements are true and correct, to the best of my knowledge.

Executed: January 29, 2007, Wailuku Maui, Hawai'i.

/s/ Georgia K. McMillen

Georgia K. McMillen

Attorney for Defendant